

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9003 of 2005

Between:

Smt. Raheemunnisa W/o. Saleem Pathan
R/o. 8-3-228/7, Rahamat Nagar, Yousufguda, Hyderabad.

... PETITIONER

AND

- 1 The Commissioner, M.C.H. Hyderabad.
- 2 The Assistant City Planner, Town Planning section, Circle V,
M.C.H. Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or directions more particularly one in the nature of Mandamus declaring the issuance of proceedings No 76/RW/W8/ACP-5/96 dt. 2-2-2005, calling upon the petitioner to give consent for handing over the land pertaining to premises no 8-3-228/7 Rahamatnagar, Yousufguda, Hyderabad as illegal and arbitrary and set aside the same and consequently direct the respondents not to take possession of the petitioner's property without giving due consideration to the petitioner's representation dt. 7-3-2005 and without following the due process of law.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9003 OF 2005

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ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent – Assistant City Planner in issuing the proceedings dated 02-02-2005 whereunder the petitioner was required to hand over the area to an extent of 7.79 sq. yards from the petitioner's premises No.8-3-228/7, Rahamatnagar, Yousufguda, Hyderabad which is effected under the proposed road-widening from Yousufguda check-post to Rahmatnagar Community Hall Junction as arbitrary and illegal.

The petitioner who claims to be the owner of the said house states that there is sufficient Government Land belonging to N.I.S.I.E.T. on the other side of the Road which could be utilised for road-widening and therefore there is no need to demolish the private properties. In the circumstances, the petitioner and other similarly situated persons made a representation dated 7-3-2005 to the 1st respondent informing that they are not willing to give their consent as required. The grievance of the petitioner is that the respondents have failed to consider the objections raised by them and have been proceeding with the proposed demolitions including the premises in question. The contention of the petitioner is that since she did not give her consent for handing over the required area from her building, the respondents ought to have followed the procedure as prescribed under the Land Acquisition Act. Hence, this writ petition.

Having regard to the fact that the petitioner has already raised her objections on 7-3-2005, I am of the view that the respondents are bound to consider the same before proceeding further with the proposed road-widening.

Accordingly, without expressing any opinion with regard to objections raised by the petitioner, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the petitioner's property for the purpose of the proposed road-widening, without considering the objections raised by the petitioner dated 7-3-2005. It is made clear that after considering the objections raised by the petitioner, the respondents shall pass an appropriate order and communicate the same to the petitioner before taking any further steps affecting the petitioner's property.

The Writ Petition is accordingly disposed of. No order as to costs.

21st April, 2005.

Note:- CC by Monday.

(B/O)

Lsk

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To

- 1 The Commissioner, M.C.H. Hyderabad.
- 2 The Assistant City Planner, Town Planning section, Circle V,
M.C.H. Hyderabad.
- 3 Two C.D. copies.